

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

Adams Morgan Spaghetti Garden,
Inc. t/a Spaghetti Garden, Fact-
Brass Monkey, Peyote, Roxanne Finding
2317 18th Street, NW Hearing
Retailer CR - ANC-1C
License No. 10284
Case #14-251-00221

(Simple Assault)

December 3, 2014

The Alcoholic Beverage Control Board met
in the Alcoholic Beverage Control Hearing Room, Reeves
Building, 2000 14th Street, N.W., Suite 400S,
Washington, D.C. 20009, Chairperson Ruthanne Miller,
presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
MIKE SILVERSTEIN, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

ALSO PRESENT:

ZACHARY VICK, ABRA Investigator

T-A-B-L-E O-F C-O-N-T-E-N-T-S

WITNESS:

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1 P-R-O-C-E-E-D-I-N-G-S

2 (9:57 a.m.)

3 CHAIRPERSON MILLER: All right. We have
4 a Fact-Finding Hearing next on the calendar. It's
5 Case No. 14-251-00221, Spaghetti Garden, Brass Monkey,
6 Peyote, Roxanne located at 2317 18th Street, N.W.,
7 License No. 10284 in ANC-1C. Good morning.

8 INVESTIGATOR VICK: Good morning.

9 CHAIRPERSON MILLER: If you could start
10 with just identifying yourselves for the record,
11 please?

12 INVESTIGATOR VICK: Investigator Zachary
13 Vick, ABRA.

14 MR. DICKENS: Tony Dickens.

15 CHAIRPERSON MILLER: And what's your
16 relation to the establishment?

17 MR. DICKENS: I'm the security manager.

18 CHAIRPERSON MILLER: Security?

19 MR. DICKENS: Yes.

20 CHAIRPERSON MILLER: You're head of
21 security?

22 MR. DICKENS: No.

1 CHAIRPERSON MILLER: What?

2 MR. DICKENS: I'm just security.

3 CHAIRPERSON MILLER: You're just security.

4 Okay.

5 MR. ASKARINAM: Iraj Askarinam, owner of
6 Spaghetti Garden.

7 CHAIRPERSON MILLER: Okay. So basically,
8 we are just having this brief Fact-Finding Hearing
9 because Board Members were concerned in reading a
10 report about, Investigator's report, an incident in
11 July in which a security, I believe, punched a patron
12 in the face.

13 So I'm going to let Mr. Vick start out
14 with the facts that this involves and then you all can
15 respond to it as well. Yes?

16 MR. ASKARINAM: I have other witnesses
17 over here, but he is late, he came in.

18 CHAIRPERSON MILLER: Okay. I'm sorry?

19 MR. ASKARINAM: There is another witness.

20 CHAIRPERSON MILLER: Okay. So what I want
21 to say also, if somebody else wants to come to the
22 table, that's fine.

1 This --

2 MR. BROWN: Lemuel Brown, also security.

3 CHAIRPERSON MILLER: Okay. So also what
4 I want to say is this is a Fact-Finding Hearing. It's
5 not an evidentiary hearing. No one is put under oath
6 to testify. The Board is not going to be taking any
7 action against you all, at this time, but we are
8 gathering -- we just want to gather facts.

9 It's possible that we might decide, based
10 on the facts, that we should send this to Office of
11 Attorney General for Show Cause, but it's possible we
12 may not. We just want to hear a little bit more about
13 what happened in this case, at this point.

14 So we are going to start with Mr. Vick.

15 INVESTIGATOR VICK: All right. This case
16 originated with an MPD 251, which is dated June 29th.
17 The 251 stated that a bouncer at Spaghetti Garden and
18 Mr. Tony Dickens was working the front door that night
19 and he denied entry to a male and female patron who
20 appeared intoxicated.

21 The male and female patron began cursing
22 at Mr. Dickens and then the female patron attempted to

1 enter the establishment and poked him in the chest.
2 The male patron pushed Mr. Dickens backwards and he
3 then, fearing for his safety, punched the male patron
4 in the face with a closed fist.

5 MPD and Fire and Emergency Services
6 responded to the scene, but the male patron who was
7 punched refused treatment and witnesses on the scene
8 confirmed Mr. Dickens' version of events.

9 On July 10th, I visited Spaghetti Garden
10 and spoke with the owner, Mr. Iraj, I'm going to say
11 his name incorrectly.

12 MR. ASKARINAM: Askarinam.

13 INVESTIGATOR VICK: Askarinam. I spoke
14 with him. I asked if the establishment had any
15 surveillance cameras. They do not. I asked him is
16 there set policies for security? He said that
17 security does not have a set dress code. They are
18 encouraged to deny entry to any intoxicated patrons
19 and to only use physical force in self-defense.

20 The same day I interviewed another member
21 of the security staff, a Mr. Phillip Brown. Mr. Brown
22 stated that he was working another door of the

1 establishment. If you are not familiar with Spaghetti
2 Garden, it's actually four establishments in one:
3 Peyote, Spaghetti Garden, Roxanne and Brass Monkey.

4 The door to Peyote is located about 15 to
5 20 feet away from the door of Spaghetti Garden. They
6 are all connected inside.

7 So Mr. Brown said he was working the door
8 to Peyote and observed a male and female patron
9 approach the door, attempt to gain entry and Mr.
10 Dickens turned them away.

11 The male and female patron then became
12 belligerent, began cursing and yelling and Mr. Brown
13 trying to diffuse the situation, decided that he
14 wanted to switch doors with Mr. Dickens. They did
15 switch doors. And the male and female patron
16 eventually calmed down and walked away.

17 They then switched back to their original
18 positions. Mr. Brown went back to the Peyote door and
19 Mr. Dickens went back to the Spaghetti Garden door and
20 then the incident occurred. The male and female
21 patron attempted to push their way past. Mr. Brown
22 stated that he recalled Mr. Dickens pushing the male

1 patron, but did not see a punch and then MPD responded
2 to the scene.

3 I interviewed the MPD Officer who was
4 working on 18th Street that night and he stated that
5 when he arrived, the male patron was bleeding from his
6 head and his eyebrow or from his eyebrow. That the
7 male patron was visibly drunk and was with a female
8 patron. The male patron accused Mr. Dickens of
9 assault.

10 Witnesses refuted, basically, what the
11 male patron was saying. And Mr. Dickens refused to
12 press charges. The officer did not get the names of
13 the male and the female patron.

14 I interviewed a witness who witnessed the
15 incident. The witness stated that he was standing
16 outside of Spaghetti Garden waiting for friends and
17 the he did recall the male and female patron shoving
18 past or attempting to shove past Mr. Dickens and Mr.
19 Dickens striking the male patron with a closed fist.
20 The witness stated that he did not believe that Mr.
21 Dickens acted excessively.

22 I also interviewed Mr. Dickens. He

1 reiterated his version of events. He stated that the
2 female patron attempted to punch him in the chest upon
3 her entry and he blocked that punch. Then the male
4 patron attempted to punch him in the chest. He
5 blocked that punch and told him not to do that again.
6 The male patron tried it again and Mr. Dickens punched
7 him in the face with a closed fist knocking him down.

8 MPD responded and the patrons were then
9 verbally abusive to the officers. The officers -- Mr.
10 Dickens refused to press charges and the male and
11 female patron stayed in the area talking to him until
12 closing time.

13 Mr. Dickens stated that the establishment
14 does not have specific written guidelines about
15 dealing with intoxicated or unruly patrons. He stated
16 that he was told by ownership that security can defend
17 themselves, if attacked, and he believes that he acted
18 in self-defense.

19 And that's all that I have.

20 CHAIRPERSON MILLER: Okay. Thank you. I
21 think maybe we should hear from the establishment,
22 unless --

1 MEMBER SILVERSTEIN: I have a couple
2 questions.

3 CHAIRPERSON MILLER: -- you want to have
4 a quick follow-up question first? Okay.

5 MEMBER SILVERSTEIN: Okay. First, Mr.
6 Vick, let me make sure I have these facts correct.
7 The police did not get the names, the identification
8 of the two belligerent patrons?

9 INVESTIGATOR VICK: They did not.

10 MEMBER SILVERSTEIN: And they allowed them
11 to stay in the area after this event? They did not
12 tell them to leave?

13 INVESTIGATOR VICK: My interview with
14 Officer Duran, apparently the male and female patron,
15 as I said, became belligerent with the police officers
16 yelling and they were, basically, told that you guys
17 can walk away or be arrested.

18 MEMBER SILVERSTEIN: And?

19 INVESTIGATOR VICK: And they walked away
20 at that time, but according to Mr. Dickens, they
21 circled back and were still outside of the
22 establishment talking to him as the night ended.

1 MEMBER SILVERSTEIN: Thank you. Thank you
2 for an excellent report.

3 CHAIRPERSON MILLER: Okay. Yes, Mr.
4 Rodriguez?

5 MEMBER RODRIGUEZ: Yes. Mr. Vick, thank
6 you for your report. The report indicates that the
7 patron was bleeding?

8 INVESTIGATOR VICK: Yes.

9 MEMBER RODRIGUEZ: And refused treatment
10 from the ambulance people?

11 INVESTIGATOR VICK: Yes, sir.

12 MEMBER RODRIGUEZ: And was this bleeding
13 a result of a punch sustained by Mr. Dickens or it
14 said that he was pushed, so what did you determine?

15 INVESTIGATOR VICK: One bouncer, Mr.
16 Brown, stated that all he saw was a push. Mr. Dickens
17 stated that he punched him with a closed fist.

18 MEMBER RODRIGUEZ: Okay.

19 INVESTIGATOR VICK: The witness, Mr.
20 Bruder, stated that he was punched with a closed fist,
21 which leads me to believe that the cut to the eyebrow
22 was from the punch.

1 MEMBER RODRIGUEZ: Yes.

2 INVESTIGATOR VICK: But the bouncer that
3 was at the door of Peyote 15 to 20 feet away stated
4 that he did not see a punch.

5 MEMBER RODRIGUEZ: Okay. Okay. Thank
6 you.

7 CHAIRPERSON MILLER: Okay. Any questions
8 right now for Mr. Vick? Because we can circle back to
9 him after. All right.

10 Now, you are Mr. Brown, correct?

11 MR. BROWN: I am.

12 CHAIRPERSON MILLER: All right. And
13 what's your name?

14 MR. DICKENS: Tony Dickens.

15 CHAIRPERSON MILLER: Okay. All right.
16 Good. Okay. So would you all like to give your side
17 or respond?

18 MR. ASKARINAM: You know, by the way,
19 there were two police officer. The first police
20 officer came in and they talked to them. They way I
21 understood it, he wasn't wounded. He wasn't anything.
22 He didn't have any time to leave. He was going to

1 arrest. He ask police officer to arrest this guy and
2 police officer said that because you had started, I
3 have to arrest you first, to military guy.

4 And after that, they left and they didn't
5 -- they go. They came and go. And 30 minutes later,
6 he came without a police officer and he wrote that
7 report. He don't know what happened during that 30
8 minutes. He was incoming and harassing and going,
9 leaving. Coming and going.

10 He said we don't know what had happened,
11 we don't know. The way I understand from him, he said
12 he did not hit him. He push him back. He told him
13 also. And he said he didn't really see anybody do
14 anything.

15 And during that 30 minute period, the
16 first police officer and second police officer, at
17 least for 30 minutes and we don't know what the guy
18 went, what did he do. He was very intoxicated. He
19 could not stand on his feet, fell, got in fight with
20 somebody else. We really don't know.

21 And I have very suspicious of that wound.
22 He said he was bleeding or something. When it happen?

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CHAIRPERSON MILLER: Okay. Anything else?

MR. BROWN: Well, the only thing I have in this is, like I said, like the Investigator said, my door is about 15 to 20 feet away. There is a small balcony between the two doors or a small patio between the two doors.

The first time this couple came in order to diffuse the situation, I turned to -- we had a third person working with us that night who no longer was in the area. I turned to him, I'm going to switch with him, because this is escalating.

I switched with Tony. When I got there, they yelled at me for a moment, but I wasn't being aggressive, so they left. We switched back. He is at the door again. They come back. We motioned for the police to come over. The police sent them away. They came back.

And again, in an effort to diffuse the situation, I turned to the person who was with me that night. I saw the guy push a bit and it was like yes, this is not going to go well. I turned to him and the

1 next thing, I don't see a punch. I'm not saying he
2 didn't. I didn't see a punch. I just saw the guy
3 lying on the ground.

4 To escalate the situation twice, twice
5 having to have the police send them away, someone was
6 going to get hurt.

7 CHAIRPERSON MILLER: Okay. Questions?

8 MEMBER ALBERTI: Mr. Short.

9 CHAIRPERSON MILLER: Yes, Mr. Short?

10 MEMBER SHORT: Good morning.

11 MR. BROWN: Good morning, sir.

12 MEMBER SHORT: It sounds like a case that
13 you had an intoxicated couple and they got out of
14 hand. Do you have any written plans on how to handle
15 those kind of things and how to de-escalate those kind
16 of -- those type of situations, so they don't get to
17 the point where someone is assaulted?

18 Also, I do understand people need to
19 defend themselves when they are in trouble. When you
20 are in business with an ABC license in the District of
21 Columbia, we would like to think it could be handled
22 just a little differently.

1 Now, we weren't there, so we don't know.
2 But have you ever thought about getting any plan or
3 cameras or things like that to --

4 MR. ASKARINAM: All the time. We do
5 daily. I told them all the time peacefully, even ask
6 them when they are drunk, okay, come back tomorrow.
7 We buy you a dinner and give you drinks. I told them
8 everything. This guy even told -- he told the
9 customer come tomorrow, we buy you dinner on the
10 house.

11 We buy you -- and the guy was, you know,
12 saying that I'm military guy. I have been in
13 Afghanistan. I don't have right to come to drink. He
14 was clearly intoxicated. People have plan. We tell
15 them all the time, please, leave and I told him to
16 never hit them back. If you want to hit them back,
17 come hit me.

18 But this gentleman said that if it's like
19 that, come hit me, I'm hitting back. I defend myself.

20 MEMBER SHORT: Okay. I understand that.
21 I read the report. The Investigator did an excellent
22 job writing that up. You didn't have a plan or you

1 don't have a plan, but now --

2 MR. ASKARINAM: They talk to each other
3 what they do. Usually the plan was peacefully
4 everything. If it getting out of hand, you let me
5 know, I'll come over there to talk to them or
6 something. And most times, 99 percent of time, at the
7 front of the door, I don't leave the door usually.

8 MEMBER SHORT: Okay.

9 MR. ASKARINAM: A plan, we do have a plan
10 at least trying to be peacefully.

11 MEMBER SHORT: I'm not trying to be
12 argumentative with you. I'm just asking you do you
13 think it might be a good idea to have something in
14 writing?

15 MR. ASKARINAM: Sure, sure. We do that.
16 Absolutely.

17 MEMBER SHORT: You're going to do that?

18 MR. ASKARINAM: Yes.

19 MEMBER SHORT: Okay. Thank you. Thank
20 you, Madam Chair.

21 CHAIRPERSON MILLER: Okay. Others? Mr.
22 Alberti?

1 MEMBER ALBERTI: Hi. Good morning,
2 gentlemen. Look, I actually have the same thoughts as
3 Board Member Short, Mr. Short. And I agree with him.

4 I mean, I recognize that you had a couple
5 of belligerent people out there any they are difficult
6 to deal with. We all know. We have all heard those
7 stories and we understand that.

8 But like Mr. Short, I'm concerned that it
9 came to having to defend -- Mr. Dickens having to
10 defend himself. I would have hoped that there was a
11 better alternative, that you would have had a plan to
12 deal with that situation, so it wouldn't come to that.
13 So that's where I'm coming from.

14 So let ask, Mr. Askarinam, how large is
15 the total of this whole all four establishments that
16 connect?

17 MR. ASKARINAM: About 100 seats.

18 MEMBER ALBERTI: How many?

19 MR. ASKARINAM: 100, 100 seats.

20 MEMBER ALBERTI: All four? All four of
21 them together is 100 seats?

22 MR. ASKARINAM: Yes.

1 MEMBER ALBERTI: Mr. Vick, is that your
2 impression?

3 INVESTIGATOR VICK: Seats, yes.

4 MR. ASKARINAM: Seats.

5 INVESTIGATOR VICK: Seats, yes.

6 MR. ASKARINAM: 200 we counted as
7 standing, 100 seats.

8 MEMBER ALBERTI: 200. Okay. Maximum
9 about 200 people.

10 MR. ASKARINAM: Yes, 100.

11 MEMBER ALBERTI: All right. And how many

12 --

13 INVESTIGATOR VICK: The establishment is
14 large.

15 MR. ASKARINAM: Yes.

16 INVESTIGATOR VICK: It's a large
17 establishment.

18 MEMBER ALBERTI: And only 200 people?

19 MR. ASKARINAM: Yes, the whole time.

20 MEMBER ALBERTI: What does your
21 Certificate of Occupancy say?

22 MR. ASKARINAM: 400 altogether, 100 seats.

1 MEMBER ALBERTI: Okay. Okay. So how many
2 security staff do you employ? How many security staff
3 were employed that evening?

4 MR. ASKARINAM: We have three. And plus
5 we have four barback, basically, as security crew.
6 They are -- we have a busboy and barback. Those
7 barbacks usually stay over there.

8 MEMBER ALBERTI: Are they trained?

9 MR. ASKARINAM: Yes.

10 MEMBER ALBERTI: Are they trained as
11 security?

12 MR. ASKARINAM: We working over there more
13 than 25 years.

14 MEMBER ALBERTI: Pardon?

15 MR. ASKARINAM: They been working over
16 there for 25 years.

17 MEMBER ALBERTI: So what training have
18 they had in security?

19 MR. ASKARINAM: Test on -- what I told
20 them, anything if there is some kind of disagreement
21 or some argument, let us know right away --

22 MEMBER ALBERTI: Okay. So they really

1 haven't --

2 MR. ASKARINAM: -- that a fight has
3 started.

4 MEMBER ALBERTI: -- had any formal
5 training. The barbacks have not had any formal
6 training. Is that correct?

7 MR. ASKARINAM: No. Just try to stop them
8 and --

9 MEMBER ALBERTI: I got you. I got you.
10 All right. The other three security people, have they
11 had formal security training?

12 MR. ASKARINAM: They been working long
13 time, I believe, yes.

14 MEMBER ALBERTI: But have you guys had
15 formal security training?

16 MR. DICKENS: I've been doing it since the
17 '80s.

18 MEMBER ALBERTI: All right. Have you had
19 any training at all?

20 MR. DICKENS: No.

21 MEMBER ALBERTI: Okay.

22 MR. BROWN: They will train. My first

1 bouncing job was at a strip joint in Hawaii where we
2 had to be licensed, so, yes, I have had training.

3 MEMBER ALBERTI: Okay. Great. That's
4 good. That's good news. All right. And you have no
5 security procedures? You don't have anything written
6 down. Is that right, Mr. Askarinam?

7 MR. ASKARINAM: No, sir.

8 MR. BROWN: Nothing written, however, the
9 security staff, I think, the least experienced member
10 of our staff, our regular staff, is five years. And
11 we have huddles every night before we start working.

12 Our standard policy has been if you see a
13 situation, especially with the staff, to --
14 escalating, to switch out to diffuse.

15 MEMBER ALBERTI: Okay.

16 MR. BROWN: If we can't diffuse, get the
17 police over there. It is Adams Morgan on the
18 weekends. There are police there. The police are in
19 our line of -- in this now.

20 In this case, we followed the procedure
21 twice. The police came over twice to send the
22 belligerent client -- belligerent potential guests

1 away. They came back. The third time when we were
2 looking to diffuse the situation again is when this
3 occurred.

4 MEMBER ALBERTI: Mr. Brown, I have no
5 doubt that you tried your best to diffuse this that
6 night. Everything I am reading here, everything I'm
7 hearing, I absolutely have no doubt that you tried
8 your best to --

9 MR. ASKARINAM: He was --

10 MEMBER ALBERTI: Mr. Askarinam, let me,
11 please, finish. I have no doubt that you tried to
12 diffuse it that night.

13 What I would like to have here is a
14 conversation because I'm getting the sense, and this
15 is only my impression, from the short conversation
16 that maybe you ought to -- there needs to be -- more
17 thought needs to be put into the security plans.

18 I mean, I'm hearing 200 people in Adams
19 Morgan on a Saturday night and you only have three
20 security people? That's a dangerous situation. I'm
21 sorry, that is a dangerous situation. That doesn't
22 allow you to have someone remain inside and have

1 someone come and help Mr. Dickens, because with two
2 people facing this guy down, two people as large and
3 as formidable as Mr. Dickens looks to me facing this
4 guy down, maybe he would not have been pushed and
5 maybe he would not have been punched.

6 Okay? So that's the conversation I want
7 to have here and I think that you, Mr. Askarinam, you
8 have agreed to follow-up with a written security plan.
9 Is that correct?

10 MR. ASKARINAM: Sure, I do.

11 MEMBER ALBERTI: Okay. And when can you
12 do that?

13 MR. ASKARINAM: As soon as possible.

14 MEMBER ALBERTI: And --

15 MR. ASKARINAM: Sit down and time spend to
16 do --

17 MEMBER ALBERTI: -- are you willing to
18 have --

19 MR. ASKARINAM: Ask me what I should do
20 exactly.

21 MEMBER ALBERTI: Okay. Are you willing to
22 have a security plan that comports with the District's

1 Guidelines on Security Plans?

2 MR. ASKARINAM: Absolutely.

3 MEMBER ALBERTI: Okay. So you can talk to
4 our General Counsel staff and they can help you with
5 that. All right? But I'm going to take you on your
6 word that you will have that to us within 30 days.

7 MR. ASKARINAM: Sure.

8 MEMBER ALBERTI: Okay. I also ask, and
9 you should discuss this with your -- the two gentlemen
10 here, because they have lots of experience, about
11 beefing up security.

12 MR. ASKARINAM: Yes.

13 MEMBER ALBERTI: Maybe you need an extra
14 person, because it seems like on that night it might
15 have been helpful that -- you know, they had a way of
16 communicating with somebody. I know that other
17 establishments do that and the police do that. You
18 bring in extra people and it kind of like shows a
19 little force and people think twice about confronting
20 you when you have got, you know, a couple of security
21 people behind you.

22 So that's just my advice. I think you

1 ought to think about beefing up that security staff.

2 MR. ASKARINAM: Sure.

3 MEMBER ALBERTI: I have no further
4 questions.

5 CHAIRPERSON MILLER: Okay. All right.
6 Mr. Silverstein?

7 MEMBER SILVERSTEIN: Yes. Mr. Askarinam
8 and folks --

9 MR. ASKARINAM: Yes, sir.

10 MEMBER SILVERSTEIN: -- the reason that we
11 involve ourselves in these types of situations is our
12 primary function, even beyond the sale of alcohol, is
13 to make sure that people are safe in these
14 establishments, that you are safe in these
15 establishments, that bystanders are as well.

16 We have had cases and this is not the
17 situation here, but this is why we look into these
18 things, where security guards have -- you know, they
19 hit a woman and blinded her in one eye. Another
20 security guard broke someone's jaw.

21 So we have to look at these particular
22 cases and keep an eye on them and make sure that there

1 is a balance. It's not that we are pointing at you,
2 but when we see that someone has laid hands on someone
3 in a violent manner, we do have to check on that.

4 And that is not in any way that we think
5 that you are bad. We are just doing our oversight
6 here. And I do think that what Mr. Alberti has said
7 is correct, that perhaps on a Saturday night, we like
8 to go with 50 people, one security guard. That's
9 generally the minimum that we want.

10 MR. ASKARINAM: Sure. I do that.

11 MEMBER SILVERSTEIN: And if you are going
12 to have 200 people in there, maybe four would be
13 better than three. It would give you the opportunity
14 to provide him some backup and keep an eye on things.

15 We are all in this very much together to
16 ensure that our nightlife is lively, liveable, that
17 people come from all over to enjoy the hospitality of
18 Washington in a safe way. And if there is anything we
19 can do to help you, we will work together on that.

20 MR. ASKARINAM: Okay. I train. I talk to
21 everybody. Number one job is not bartender, not
22 barback, nothing, watch the thing and be aware of

1 anything, disagreement or argument, anything before
2 anything happen, try to let us to stop it. Everybody,
3 not just security person.

4 CHAIRPERSON MILLER: Yes.

5 MR. ASKARINAM: I said I got four barback.
6 I don't need it. Usually I need two or one. I keep
7 two, because I want each one to be in one floor to
8 just be watched. Watching over them.

9 MEMBER SILVERSTEIN: And how long have you
10 been in business?

11 MR. ASKARINAM: I've been in about 37
12 years. 38 years.

13 MEMBER SILVERSTEIN: How long?

14 CHAIRPERSON MILLER: Wow.

15 MR. ASKARINAM: 38 years.

16 MEMBER SILVERSTEIN: 38 years. All right.
17 I remember one of the first places I came in
18 Washington, D.C. I guess every young person, their
19 first cheap date, every intern, everybody who is on a
20 very, very limited budget --

21 MR. ASKARINAM: They have low budget --

22 MEMBER SILVERSTEIN: -- come to the

1 Spaghetti Garden and go sit on the roof.

2 MR. ASKARINAM: Yes, that's true.

3 MEMBER SILVERSTEIN: For \$20.

4 MR. ASKARINAM: That's true.

5 Unfortunately, I wasn't -- I said that I used to sell,
6 believe me -- I count 1,000 dinner from my hand a
7 night.

8 CHAIRPERSON MILLER: Wow.

9 MR. ASKARINAM: I would always get it
10 ready and I cannot do it any more, unfortunately. I'm
11 down. I want to go. I cannot do it. I've got a
12 stroke. My brother got a heart attack. We cannot do
13 it. We ought to sell and go. My daughter can't start
14 this. One of my daughters is doctor. The other one
15 lawyer. I'm impressed.

16 MEMBER BROOKS: Madam Chair?

17 MEMBER SILVERSTEIN: An American story.

18 MEMBER BROOKS: Madam Chair?

19 CHAIRPERSON MILLER: Yes?

20 MEMBER BROOKS: Are we going to hear from
21 the other security officer? I would like to hear what
22 he has to say.

1 CHAIRPERSON MILLER: From Mr. Dickens?

2 MEMBER BROOKS: Dickens, yes. Since he
3 was a little more intense in the confrontation.

4 CHAIRPERSON MILLER: Yes.

5 MEMBER ALBERTI: More involved.

6 MEMBER BROOKS: Yes, more involved. I
7 back off.

8 MR. DICKENS: During all of this, I was
9 the most calm person there.

10 MEMBER BROOKS: Mr. Dickens, please.

11 MR. DICKENS: What do you want to know?

12 CHAIRPERSON MILLER: Mr. Brooks?

13 MR. DICKENS: I want to hear your side of
14 the story.

15 MR. DICKENS: Oh, I was just standing at
16 the door and the two guys -- the guy and the young
17 lady came up and I told them they couldn't come in
18 because they had too much to drink.

19 MEMBER BROOKS: Yes.

20 MR. DICKENS: So they just kept cursing me
21 out, but I was ignoring them and checking other
22 people's ID. And he seen it and he came over and

1 switched doors with me for about 30 minutes. And then
2 when they moved away, I came back to the door. And
3 the girl came up and she hit me and tried to force her
4 way in.

5 And I told her don't do that again. And
6 then the guy came up and he hit me twice, you know, in
7 the chest. That's when I just hit him, you know, but
8 I ain't meant to hit him. My reflex hit him, you
9 know.

10 MEMBER BROOKS: Your what hit him?

11 MR. DICKENS: My reflexes. You know, it
12 just came straight out of --

13 MEMBER BROOKS: Well, to reflex a fist?

14 MR. DICKENS: Right.

15 MEMBER BROOKS: Okay.

16 MR. DICKENS: I'm just saying, my fist hit
17 him, but I ain't meant to hit him, you know.

18 MEMBER BROOKS: Yes, I gotcha.

19 MR. DICKENS: It just happened, you know.
20 When he hit me, I just bam like that, you know.

21 MEMBER BROOKS: Yes. Okay. How did you
22 know they were intoxicated?

1 MR. DICKENS: Because when they came up,
2 they was too drunk. They couldn't even stand up
3 straight.

4 MEMBER BROOKS: So they were drunk,
5 staggering?

6 MR. DICKENS: Right, staggering.

7 MEMBER BROOKS: Okay.

8 MR. DICKENS: And I told them they had too
9 much to drink.

10 MEMBER BROOKS: Right.

11 MR. DICKENS: So you can't come in this
12 establishment. Come back tomorrow.

13 MEMBER BROOKS: Okay. Now, was
14 reimbursable detail nearby?

15 MR. DICKENS: Who?

16 MEMBER BROOKS: Reimbursable detail, D.C.
17 Police?

18 MR. DICKENS: Yes, they was across the
19 street, so we was trying to call them over to make
20 them leave.

21 MEMBER BROOKS: You did call them over?

22 MR. DICKENS: Yes. Yeah, they came over

1 and made them leave.

2 MEMBER BROOKS: Yes.

3 MR. DICKENS: And they came right back.

4 MEMBER BROOKS: Okay. Now, do you guys
5 wear uniforms?

6 MR. DICKENS: No. We come like dressed
7 up, like dressed up decent, you know, like nice jeans
8 and all that, nice shirts.

9 MEMBER BROOKS: Yes.

10 MR. DICKENS: And stuff like that. But no
11 security shirts.

12 MEMBER BROOKS: So how would they know you
13 were security, in general, or anyone know?

14 MR. DICKENS: They wouldn't. They
15 wouldn't, but I just told them we were security.

16 MEMBER BROOKS: Okay. Is that going to be
17 part of your plan, sir?

18 MR. ASKARINAM: He has the flashlight in
19 his hand and also he is standing next to -- checking
20 --

21 MR. DICKENS: I check all IDs.

22 MR. ASKARINAM: -- the ID, the machine

1 behind -- right in front door. Everybody obviously
2 know that if you going to be going to -- in fact, we
3 had the security. Usually they like be nice thing, we
4 used to have it. And even if we had a talkie-walkie,
5 I got talkies for everybody, little telephone, they
6 could talk each other, they inform each other and they
7 didn't use that any more. I don't know why. And even
8 I bought them and I put them over there.

9 MEMBER BROOKS: Okay. Final question for
10 me, Madam Chair.

11 CHAIRPERSON MILLER: Yes.

12 MEMBER BROOKS: What is your definition of
13 self-defense?

14 MR. DICKENS: I mean, I look at it as if
15 somebody is hitting me, I don't -- I mean, because I
16 don't know what you are on when you've been drinking,
17 I don't know if you're on coke.

18 MEMBER BROOKS: Yes.

19 MR. DICKENS: Any pills. I don't know.
20 But I'm just saying, if you hit me, I've got to defend
21 myself.

22 MEMBER BROOKS: Yes.

1 MR. DICKENS: I'm just not going to let
2 you beat me down.

3 MEMBER BROOKS: Yes. Okay. So that was
4 the only method to defer his attack on you is to hit
5 him?

6 MR. DICKENS: Not really. It wasn't -- I
7 wasn't intentionally trying to hit him, but it just
8 happened.

9 MEMBER BROOKS: Just happened. Okay. All
10 right.

11 MR. DICKENS: Just happened.

12 MEMBER BROOKS: Thank you, Madam Chair.

13 CHAIRPERSON MILLER: Okay. Thank you.
14 Others?

15 MEMBER RODRIGUEZ: Yes.

16 CHAIRPERSON MILLER: Yes, Mr. Rodriguez?

17 MEMBER RODRIGUEZ: Mr. Askarinam, I have
18 walked, you know, in the neighborhood a few times in
19 my day and I have been past the Spaghetti Garden. It
20 doesn't seem to be a very intense place, you know,
21 with a lot of mobs going in. I have noticed, you
22 know, it seems like a rather, you know, regular kind

1 of place.

2 So I would not expect, you know, a big
3 fist fight to take place there. Maybe other places,
4 but not this place. So but getting back to Mr.
5 Dickens, I used to box a long time ago, that's a long
6 time ago. And you know, sometimes you duck a punch,
7 you weave and you put your hand out to block, right?

8 You're saying that you really didn't
9 intend to hit the person who was kind of drunk there.
10 You were just trying to deflect. Is that what you
11 were saying?

12 MR. DICKENS: What's that?

13 MEMBER RODRIGUEZ: To deflect the punch.
14 And but then you somehow made contact with that person
15 with a closed fist. Okay. So tell me this, in the
16 first place, when you are under attack, is there a way
17 that you would fend off an attack from a drunk person
18 other than just punching him?

19 MR. DICKENS: I usually just grab them.
20 I usually grab them and tell them don't do it.

21 MEMBER RODRIGUEZ: Right.

22 MR. DICKENS: I don't just go straight off

1 and hit nobody.

2 MEMBER RODRIGUEZ: So how did the person
3 end up bleeding from the eye from a deflection? I
4 don't know. I wasn't there. And you are not under
5 oath, so we are looking at, you know, reviewing what
6 happened and trying to find corrective action.

7 So I think, you know, my colleagues have
8 talked about a plan and I think that in that plan then
9 I would recommend that in case of attack, what are
10 some of the actions that one would take? What kind of
11 an attack, for example, if somebody is drinking? I
12 think they should be included in the plan.

13 And you know, because there are different
14 ways that people get attacked, particularly security
15 people. We have seen different ways that they get
16 attacked by weapons. They get punched. You know, so
17 that I think in your plan, I would give some
18 consideration to how and you are the Director of
19 Security, right, Mr. Dickens?

20 MR. DICKENS: Not really, just --

21 MEMBER RODRIGUEZ: Not really? Nobody is
22 in charge of security? So in the plan, I think there

1 should be a leader, somebody in charge of it to, you
2 know, lead the team. And then having -- you know,
3 looking at attacks, what kind of attack and how you
4 would defend against it, how you would deal with it.
5 But thank you.

6 CHAIRPERSON MILLER: Okay. Others? All
7 right. Thank you. I mean, I think this has been very
8 informative and I just want to give you a little
9 feedback as well.

10 I mean, it sounds like you have been in
11 business for a long time and have had probably very
12 few incidents and you have experience, security and
13 for the most part there have been no problems.

14 But this problem might be a wake-up call
15 that, you know, you can be even more prepared. And
16 there are resources out there. And we want you to
17 know that Mr. Alberti was talking to you about doing
18 a security plan and you said yes, because if you have
19 a plan in place, then sometimes you can react in
20 different ways.

21 But first of all, he said 30 days. And I
22 would like to say that if you need like 45 days or

1 something, I would rather you take the time you need,
2 given that Christmas is coming. I don't want you to
3 feel pressured that you have to do this fast.

4 MR. ASKARINAM: I said that I don't know,
5 I have to discuss with somebody know these cases.

6 CHAIRPERSON MILLER: Right.

7 MR. ASKARINAM: And I get some information
8 and let them to do it. I cannot sit down and put
9 those in --

10 CHAIRPERSON MILLER: Right. You don't
11 have the information yet.

12 MR. ASKARINAM: I would have some
13 professional people, they know better than me and
14 think to give me some guidance and put it on paper for
15 me --

16 CHAIRPERSON MILLER: Right.

17 MR. ASKARINAM: -- to do it.

18 CHAIRPERSON MILLER: There --

19 MR. ASKARINAM: I don't know where to turn
20 to. I'm going to turn to you or come to here and ask
21 if I can get somebody who happens to know about it
22 first to -- otherwise, I am going to talk to the

1 police. I mean, I can ask the police when they come
2 over there all the time, I know them. I talk to them
3 and find right person who know what got to write down,
4 how to do that.

5 CHAIRPERSON MILLER: Okay. There are, I
6 know, resources out there and I'm pretty sure that
7 there is even a training coming up this month by some
8 private resource for security. And so there you can
9 get, you know, best practices around the country and
10 whatever. And they may give you -- I'm sure they
11 would give you like alternatives for what to do in
12 certain situations, because you will have other
13 situations that come up.

14 Somebody might have a knife or whatever
15 and if you, you know, get this kind of information,
16 you're going to be in a much better place and have a
17 much safer establishment. So you can, after the
18 hearing or some time, contact the Director if you want
19 or Mr. Vick who can lead you to the resources that
20 exist in the city that deal with that, that deal with
21 training, that deal with security plans, best
22 practices. They are out there. You don't have to

1 reinvent, you know, the wheel.

2 MR. ASKARINAM: Just give me time until
3 February 1st, until Christmas and everything goes
4 away.

5 CHAIRPERSON MILLER: Exactly.

6 MR. ASKARINAM: 40 days or something.

7 CHAIRPERSON MILLER: Okay.

8 MR. ASKARINAM: You know, half of it is
9 closed, obviously.

10 CHAIRPERSON MILLER: Right.

11 MR. ASKARINAM: And Christmas, New Year's.

12 CHAIRPERSON MILLER: Okay. That's what I
13 was concerned about that you would run into Christmas
14 and then you are not doing this thoughtfully. Okay.

15 And to me it sounds like, I don't know I'm
16 not in the field, but it is like -- it seems like the
17 communication with MPD didn't work out. And you know,
18 why is that? Maybe you can talk to them. They came
19 twice and why did an incident still occur? I mean,
20 maybe it couldn't have been avoided, but
21 maybe --

22 MR. ASKARINAM: If we could have avoided

1 the guy was intoxicated. I mention what he thinks and
2 he was military guy. He was a strong guy. And they,
3 you know, very stubborn and they try to push
4 themselves in.

5 CHAIRPERSON MILLER: Yes.

6 MR. ASKARINAM: Just sometimes you cannot
7 -- it wasn't really they could do that much when the
8 guy attack you and hit you and pushed you.

9 CHAIRPERSON MILLER: Yes.

10 MR. ASKARINAM: Then said to come in.
11 It's not just something anybody knows about it. And
12 it come so quick and not easy.

13 CHAIRPERSON MILLER: Okay.

14 MR. ASKARINAM: And even I said
15 it --

16 CHAIRPERSON MILLER: All right.

17 MR. ASKARINAM: -- I have said it many
18 times to the gentlemen, please, get me, come get me.
19 Don't say if they hit me, I hit him back, that was
20 exactly what.

21 CHAIRPERSON MILLER: Okay.

22 MEMBER BROOKS: I have a question.

1 CHAIRPERSON MILLER: Mr. Brooks? Yes.

2 MEMBER BROOKS: Mr. Askarinam, were you
3 there that night?

4 MR. ASKARINAM: Yes. But I wasn't -- I
5 was in the back. When they asked for us after it was
6 over, but first when it started over there. Between
7 our employees, I think, it was outside the door. The
8 first officer came and they ask if the guy is going to
9 arrest him and --

10 MEMBER BROOKS: Well, were you there? And
11 did you see what happened?

12 MR. ASKARINAM: I did not see.

13 MEMBER BROOKS: Okay. Thank you, Madam
14 Chair.

15 CHAIRPERSON MILLER: Okay. All right. So
16 anything else to add? Mr. Vick, anything else you
17 want to say?

18 INVESTIGATOR VICK: No, ma'am. Mr.
19 Alberti, you did ask about the exact occupancy on C of
20 O. It's 237.

21 MEMBER ALBERTI: Okay. Great. So again,
22 my comment is, Mr. Askarinam, please, consider having

1 more security people --

2 MR. ASKARINAM: Sure.

3 MEMBER ALBERTI: -- on a Saturday night.

4 We all know what happens in Adams Morgan on Saturday
5 night. I don't care how capable your security staff
6 is.

7 MR. ASKARINAM: Yes.

8 MEMBER ALBERTI: Three is definitely not
9 enough.

10 MR. ASKARINAM: Yes. We will get staff.
11 I think I got somebody else. I know some other guy to
12 come in.

13 MEMBER ALBERTI: Okay.

14 MR. ASKARINAM: On this weekend. I have
15 another guy. He is usually -- because when they are
16 getting off, they come to work for us. I say come
17 right down --

18 MEMBER ALBERTI: I understand.

19 MR. ASKARINAM: -- when you get off and --

20 MEMBER ALBERTI: I'll just --

21 MR. ASKARINAM: -- they come down right
22 away.

1 MEMBER ALBERTI: The proof is in the
2 pudding. I'll wait to see what you do.

3 MR. ASKARINAM: Yes.

4 MEMBER ALBERTI: Thank you.

5 MR. ASKARINAM: I promise by this weekend
6 the other guy.

7 MEMBER ALBERTI: All right. But we do --
8 Madam Chair, shall we do -- Ms. Miller?

9 CHAIRPERSON MILLER: Yes?

10 MEMBER ALBERTI: We do have a commitment
11 that we will have a security plan within 45 days. Is
12 that correct?

13 CHAIRPERSON MILLER: Did you say February
14 1st?

15 MR. ASKARINAM: Yes.

16 CHAIRPERSON MILLER: I don't know how many
17 days that is.

18 MEMBER ALBERTI: That's fine. February
19 1st, I'm --

20 CHAIRPERSON MILLER: February 1st.

21 MEMBER ALBERTI: -- comfortable with that.

22 CHAIRPERSON MILLER: Okay.

1 MR. ASKARINAM: Yes.

2 CHAIRPERSON MILLER: So and in the
3 interim, you will consult with experts on training and
4 security measures. Okay. And you can start with Mr.
5 Vick and he will help you out there. Okay. All
6 right. Well, thank you very much.

7 MEMBER SILVERSTEIN: I just --

8 CHAIRPERSON MILLER: Anything else? Yes,
9 Mr. Silverstein?

10 MEMBER SILVERSTEIN: Mr. Askarinam?

11 MR. ASKARINAM: Yes, sir.

12 MEMBER SILVERSTEIN: If you have any
13 questions about how to start on this, Ms. Jenkins will
14 be happy to help you, Martha Jenkins.

15 MR. ASKARINAM: Sure.

16 MEMBER SILVERSTEIN: Of our staff. We
17 would be happy to work with you on this matter.

18 MR. ASKARINAM: Thank you.

19 MEMBER SILVERSTEIN: Thank you.

20 CHAIRPERSON MILLER: Okay. Thank you very
21 much then.

22 INVESTIGATOR VICK: Thank you.

1 MEMBER ALBERTI: Thank you very much.

2 MR. ASKARINAM: Thank you. Thank you,
3 sir. Thank you very much.

4 MEMBER ALBERTI: Thank you for coming,
5 gentlemen.

6 MR. ASKARINAM: Okay. Thank you.

7 (Whereupon, the Fact-Finding Hearing in
8 the above-entitled matter was concluded at 10:36 a.m.)
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